

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ERIC REIBER, et al.,

Plaintiffs,

v.

CITY OF PULLMAN, et al.,

Defendants.

NO: 11-CV-0129-TOR

ORDER GRANTING PLAINTIFFS'  
RENEWED MOTION FOR  
SUBSTITUTION

BEFORE THE COURT is Plaintiffs' Renewed Motion to Substitute the  
Estate of Patrick Wilkins as a party for Defendant Patrick Wilkins (ECF No. 131).

This matter is currently noted for hearing on March 15, 2013. There being no  
reason to delay a decision, the Court will hear the motion on an expedited basis.

DISCUSSION

Plaintiffs filed their original motion to substitute the Estate of Patrick  
Wilkins for Defendant Patrick Wilkins on January 17, 2013. The Court denied the  
motion with leave to renew, noting that the record did not reflect whether the  
motion and accompanying suggestion of death had been served upon the Estate of

1 Patrick Wilkins in accordance with Federal Rule of Civil Procedure 25(a)(3). ECF  
2 No. 130 at 2.

3 Plaintiffs have since established that their motion to substitute and  
4 suggestion of death were, in fact, served upon the Estate of Patrick Wilkins on  
5 January 23, 2013. ECF No. 131-1. Accordingly, the Court finds that Plaintiffs  
6 have complied with Rule 25(a)(3) and that substitution of the Estate of Patrick  
7 Wilkins for Defendant Patrick Wilkins is proper. The motion is granted.

8 **ACCORDINGLY, IT IS HEREBY ORDERED:**

9 Plaintiffs' Renewed Motion to Substitute the Estate of Patrick Wilkins as a  
10 party for Defendant Patrick Wilkins (ECF No. 131) is **GRANTED**. The Estate of  
11 Patrick Eugene Wilkins is hereby **SUBSTITUTED** as a party-defendant for  
12 Defendant Patrick Wilkins. The case caption shall be amended accordingly.

13 The District Court Executive is hereby directed to enter this Order, amend  
14 the case caption to reflect the substitution of the Estate of Patrick Eugene Wilkins  
15 for Defendant Patrick Wilkins, and provide copies to counsel.

16 **DATED** this 25<sup>th</sup> day of February, 2013.



*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge